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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,249	06/13/2001	Kaoru Suzuki	43701.00034	6667

7590

12/03/2003

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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,249

Applicant(s)

SUZUKI ET AL.

Examiner

Hosuk Song

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet, 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet, 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁹ of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-5,15-21,29-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Sadovnik et al(US 5,497,430).

In claims 1,15,17,29,38,39, Sadovnik discloses image input means for continuously inputting an image to monitor the service area in (col.5,lines 4-10 and col.13,lines 6-14). Sadovnik teaches if the person is verified as an authorized user the user is registered and allowed to use the service in (col.5,lines 19-23). Sadovnik discloses decision means for deciding that the user is not under a situation to use the service in case the user is not recognized in the input image in (col.5,lines 21-24). Sadovnik disclose infringement situation decision means for deciding that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input image in (col.5,lines 19-25 and col. 13,lines 6-11). Sadovnik teaches supplying the service to the authorized user and for controlling a supply of the service if use situation decision means decides that the user is not under the situation to use the service in (col.5,lines 4-26). Note that Sadovnik specifically disclose monitoring the surrounding area in (col.5,lines 19-26 and col.13,lines 9-11).

In claims 2-5,20-21, Sadovnik disclose service control means finishes the supply of the service in case the use situation decision means decides the user is not under the situation to use the service in (fig.1 and col.5,lines 23-26).

In claim 18, Sadovnik disclose service control unit interrupts the supply of the service when the user is not recognized in the input image in (col.5,lines 4-13,19-26).

In claim 19, Sadovnik disclose service control unit interrupts the supply of the service when the person other than the authorized user is recognized in the input images in (col.5,lines 4-13,19-26).

As per claim 16, claim 16 is same as claims 1,15. The only difference is that claim 16 is directed to a computer readable memory containing computer-readable instructions to supply a service to a user in a service user area surrounding the user instead of apparatus and method described in claims 1,15. Computer readable memory and computer instruction code are disclosed in Sadovnik in (col.7,lines 56-67).

In claims 30-37,see claims 1,16,18-19 above.

Claim Rejections - 35 USC § 103

2 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be

3 Claims 6-14,22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadovnik et al(US 5,497,430).

In claims 6,7,22,23, Sadovnik does not specifically disclose wherein person discrimination means recognizes the user by referring to a person comparison dictionary to

recognize persons allowed to use the service. However, Sadovnik disclose user's identifying data such as face recognition is stored in system's database in (col.5,lines 33-37). Therefore it would have been obvious to person of ordinary skill in the art at the time the invention was made to realize that Sadovnik security data as being the dictionary as applicant claimed. The examiner asserts that Sadovnik security information would have included dictionary feature since the security information are stored in database or dictionary or information retrieval system to allow user's data to be accessed, compared prior to issue authorized permission to use the system. One of ordinary skill in the art would have been motivated to employ dictionary scheme in order to query and retrieve data conveniently and accurately.

In claims 8,9,24,25, Sadovnik does not specifically disclose service control sending a warning to the user when infringement situation decision decides the security of the service compromised. It would have been obvious to person of ordinary skill in the art to modify the invention of Sadovnik to include warning signs so that user is alerted and cooperated in a way that is not intrusive to the user and to the surrounding.

In claims 13,14, Sadovnik discloses image input means for continuously inputting an image to monitor the service us area in (col.5,lines 4-10 and col.13,lines 6-14). Sadovnik teaches if the person is verified as an authorized user the user is registered and allowed to use the service in (col.5,lines 19-23). Sadovnik discloses decision means for deciding that the user is not under a situation to use the service in case the user is not recognized in the input image in (col.5,lines 21-24). Sadovnik disclose infringement situation decision means for deciding that a security of the service use area is infringed in case at least one person other than the authorized user is recognized in the input image in (col.5,lines 19-25 and col. 13,lines 6-11). Sadovnik teaches supplying the service to the authorized user and for controlling a supply of the service if use situation decision means decides that the user is not under the situation to use the

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service in (col.5,lines 4-26). Note that Sadovnik specifically disclose monitoring the surrounding area in (col.5,lines 19-26 and col.13,lines 9-11). Sadovnik does not specifically disclose service control sending a warning to the user when infringement situation decision decides the security of the service compromised. It would have been obvious to person of ordinary skill in the art to modify the invention of Sadovnik to include warning signs so that user is alerted and cooperate in a way that is not intrusive to the user and to the surrounding.

In claims 26,27, Sadovnik does not specifically disclose service control unit controls the supply of the service in accordance with a security degree preset to each kind of the service. Official notice is taken that controlling the supply of the service in accordance with a security degree preset to each kind of the service is well known in the art. One of ordinary skill in the art would have been motivated to employ security degree in order to prioritize high security service to low security services so that security level can be distinguished amongst users. Further, by setting security levels, it protects higher security services from low security services such that it prevents certain user from obtaining/receiving services, which requires higher level of authorization. Therefore, security service is individualized and protected all time.

In claims 10,11,12,28, Sadovnik teach security degrees preset and detecting movement of the visual line or a direction of the face of the user in (col.6,lines 11-26). Sadovnik does not specifically disclose service control unit controls the supply of the service in accordance with a security degree preset to each kind of the service. Official notice is taken that controlling the supply of the service in accordance with a security degree preset to each kind of the service is well known in the art. One of ordinary skill in the art would have been motivated to employ security degree in order to prioritize high security service to low security services so that security level can be distinguished amongst users. Further, by setting security levels, it protects higher security services from low security services such that it prevents certain user from

obtaining/receiving services, which requires higher level of authorization. Therefore, security service is individualized and protected all time.

Response to Amendment

4. Claims 1-39 are pending. The previous grounds of rejection based on the Atick patent is withdrawn in view of Applicant's arguments in the Amendment filed 9/24/03. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above. The delay in citation of the newly discovered prior art is regretted.

Conclusion

5. An inquiry concerning this communication should be directed to Hosuk Song whose telephone number is (703)305-0042. The examiner can normally reached on Tues-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ayaz Sheikh can be reached on (703)305-9648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Hosuk Song

Ayaz Sheikh
AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100